

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 10 2019 ★

LONG ISLAND OFFICE

Donald F. Guichard

Plaintiff,

[Insert full name of plaintiff/prisoner]

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

JURY DEMAND

YES / NO

CV19 3443

-against-

Yaphank Correctional Facility

Errol Touben

Officer McHarty

John Doe 1

John Doe 2

Medical Unit Staff

Defendant(s).

In their own & individual
capacities

SEYBERT, J.

SHIELDS, M.J.

RECEIVED

JUN 10 2019

EDNY PRO SE OFFICE

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff

Donald F. Guichard

If you are incarcerated, provide the name of the facility and address:

State Correctional Facility

Box F

Fishkill, New York 12524-0445

Prisoner ID Number: 19A1455

If you are not incarcerated, provide your current address:

Telephone Number:

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

Enrol Tolon
Full Name
Sheriff
Job Title
110 Center Dr.
Riverhead, NY 11901
Address

Defendant No. 2

Officer Mc Garty
Full Name
Law Library Officer
Job Title
110 Center Dr.
Riverhead, N.Y. 11901
Address

Defendant No. 3

John Doe 1
Full Name
Correction Officer
Job Title
110 Center Dr.

Riverhead

Address

Defendant No. 4

John Doe II

Full Name

Correctional officer

Job Title

110 Center Dr.

Riverhead, NY 11901

Address

Defendant No. 5

Medical Unit & Staff

Full Name

Doctors & Nurses

Job Title

110 Center Dr.

Riverhead, NY 11901

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? Door going outside
the bubble slipped on unreported wet floor after
the count about 9:15pm March 9 2019

When did the events happen? (include approximate time and date) on March 19
2019 around 9:15 pm

Facts: (what happened?) When I exited the bubble after count floor was wet & unposted, I slipped & dislocated my left hip fema was bulging under skin. I cried out to officer on duty he ignored my plea for help, he saw me but wouldn't help 3 inmates picked me up & leg popped in. Officer told me to tell housing officer when he returns not his business. When he returned he didn't want to help he asked if it was my heart I said my chest. He then threaten my car said I would get a \$75 ticket & then locked me in my cell without medical help at all a sergeant came he stated I really didn't want him to get an ambulance at that time of the night. Didn't get medical help for 9 days. Also the reason I didn't get medical help is that night. Officer on duty said I'm not doing all that fucking paperwork for your leg.

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

My left fema (or the socket) popped out & was bulging up under my skin when I was picked up by 3 inmates - it popped back in I was thrown into cell & locked in because the housing officer came to my cell & said are you hiding me I'm not filing out all that paperwork

a burgent later came by & made the same remark - you don't want us to really get & ambulance for you at this hr.

III. Relief: State what relief you are seeking if you prevail on your complaint.

I was told upon doctor visit 9 days later this will only get worse with age. Want my hip fixed & monetary compensation for physical & mental pain. Want all officers mandated not to cover badge with black strip across lady. I want the broken system they have of getting medical help. They tell you to go to Rivsh.

I declare under penalty of perjury that on 5/31/2019, I delivered this
(date)
complaint to prison authorities at Jonestown Corr. Fac. to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

Donal P. Guichard
Signature of Plaintiff

Jonestown Correctional Facility
Name of Prison Facility or Address if not incarcerated

Box F

Red Schoolhouse Rd

Teahill, NY 12524-0445
Address

1941455
Prisoner ID#

Continued from III Relief

states if it's an emergency go to officer on duty. When you do he or she tell you to inform nurse, there-fore not doing his duty the nurse then say go to officer when you tell her this she then direct you back to Rivch. I went through this for 6 months without seeing anyone. They are retaliating because I filed a lawsuit previous year when I was place in cuffs & beaten, just like other inmates. But luckily Internal Fair is get video & ruled in my favor.

P. S Officer Mc Garty - Part II

On my last time at law library I asked clerk what did a violent felony conviction do^{ed} he was sure, so about 2 minutes later I asked Officer Mc Garty some question & he freaked out cursed me profusely grabbed all my paper, told me to get the fuck out of here and screamed at me go ahead say one fucking word & you will regret it for life go ahead I made my fucking day. What he was going to do was pull his pen & have Sgt officer beat me again he has anger issues that need addressing.

Im also seeking action against Errol Toulon because he either condones or just doesn't care about the abuse inmates suffer at the hands of some officers. He seen at least 5 or more ~~times~~ violent attacks on inmates in chain in the booking area. On one occasion when I was being transferred to Riverhead 2 inmates were violently beaten while in chains, they force you to turn your head or you will suffer the same. So you have to be silent to their screams. And when I ~~returned~~ returned they beat someone so bad he crinkled on the floor & same Sargent that threatened to fabricate false charge to block & inmate release stated put a diaper on him he pissed on my floor.

The situation at Yaphank Correctional Facility is out of hand and I mean out of control. Im sure you heard about the inmate whose bone ^{was} broken and came through his skin he filed a lawsuit also. I could go on & on but ill wait for my court date.

Sincerely etc.

Don P. Guevara

Officer McParty has for 12-13 months denied me access to the law library since I wrote him up for refusing to make photo-copies for my case, stating they charge him if he runs out of paper because he is letting inmates use too much paper. I thought we had come to an agreement when I signed off on grievances but he didn't relent. It got to a point that I had 3 intern-smuggle my paper work in & copy for me. He had Chris on three occasions have me sign papers to be notarized without me present, you have to sign in log book to get notarized on date I have is 1/7/19

I almost didn't get my appeal done (my extension for timely appeal) because I wasn't allowed in & Chris kept bringing wrong papers. I filed six grievances & three were never answered I grieved that also.

My family has all my grievance reports and they are sending 3 copies of each if I don't receive them by June 2, 2019 I will void them after I get case number. I have to get this out before June 9 deadline.

Thank you
Sincerely, Tom J. Juchacz